

**Notice of Allowability**

Application No.

08/864,762

Examiner

John L Young

Applicant(s)

TOMITA ET AL.

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/12/2004.
2. ☒ The allowed claim(s) is/are 78-110.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

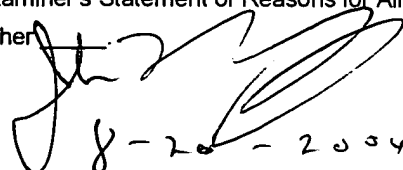
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 8/20/2004.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 8/20/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other

JOHN LEONARD YOUNG, ESQ.  
PRIMARY EXAMINER

  
8-20-2004

Art Unit: 3622

## **NOTICE OF ALLOWABILITY**

### **STATUS**

1. **Claims 78-110 are pending.**

### **DRAWINGS**

2. **Formal drawings are required in reply to this Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.**

This application has been filed with drawings that are considered informal; however, said drawings are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

### **CLAIM REJECTIONS - 35 U.S.C. 101**

3. **Rejections Withdrawn.**

### **CLAIM REJECTION — 35 U.S.C. §112 ¶4**

4. **Rejection Withdrawn.**

Art Unit: 3622

**CLAIM REJECTIONS — 35 U.S.C. §102**

5. Rejections Withdrawn.

**REASONS FOR ALLOWABILITY**

6. The following is the Examiner's statement of reasons for allowability: Limitations of the claims at issue in the instant application have multiple implementation details not disclosed in the prior art of record.

As per independent claims 78, 87, 89, 98, 100 & 109, said claims recite in part the following limitations for an incentive point management system: "using a calculation rate based on at least one specific condition including a purchase amount of the current transaction. . . ." Support for these elements are found in the specification at least at p. 18, ll. 1 & 2. The closest prior art reference of record to Schultz US 5,056,019 (AUTOMATED PURCHASE REWARD ACCOUNTING SYSTEM AND METHOD) fails to disclose either the combination with other prior art or motivation for combining or modifying a given reference to show an incentive point management system "using a calculation rate based on at least one specific condition including a purchase amount of the current transaction. . . ."; therefore, the instant invention is not anticipated by the prior art of record. Furthermore, the prior art references of record do not implicitly, individually or in combination disclose elements that would render the claimed limitations in the instant invention obvious to one of ordinary skill in the art.

Art Unit: 3622

Dependent claims 79-86, 88, 90-97, 99, 101-108 & 110 are allowable because they depend from independent claims 78, 87, 89, 98, 100 & 109 and associated base claims respectively which contain allowable subject matter.

### **CONCLUSION**

7. Any response to this action should be mailed to:

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh Floor Receptionist  
Crystal Park V  
2451 Crystal Drive  
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801 or (571) 272-6725. The examiner can normally be reached Monday through

Serial Number: 08/864,762

(Tomita et al.)

5

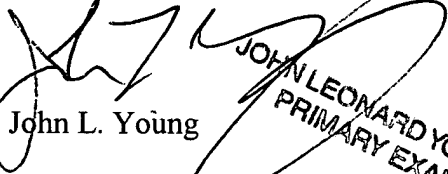
Art Unit: 3622

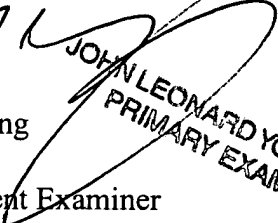
Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469 or (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
John L. Young  
Primary Patent Examiner

  
JOHN LEONARD YOUNG, ESQ.  
PRIMARY EXAMINER

March 22, 2005